R E M A R K S

This paper is responsive to the *Non-Final Rejection* that issued on July 22, 2010.   In that *Rejection*, all pending claims were rejected as follows:

(1) Claims 1-16 and 19-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over "P-Synch Installation and Configuration Guide" (hereinafter "P-Synch") in view of U.S. Publication 2005/0102534 to Wong and further in view of U.S. Patent 7,043,521 to Eitel.

(2) Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over P-Synch in view of Wong and further in view of Eitel, and further in view of "About Metacrawler" (hereinafter, "Metacrawler").

In response, dependent claims 1, 2, 16, 17, 19, 21, 22, 24, 25, and 26 have been amended. Support for the amendment can be found in paragraph [0040] and [0065] of the Specification.

35 U.S.C. §103 Rejection of Claims 1-16 and 19-27

Claims 1-16 and 19-27 have been rejected under 35 U.S.C. §103 as being unpatentable over P-Synch in view of Wong and further in view of Eitel. The applicants respectfully traverse.

Claim 1 recites:

> 1. A method comprising:
>
> receiving a proposed password from a user;
>
> performing, by a search engine tool, an Internet search based on a keyword that is derived from the proposed password; and
>
> rejecting the proposed password when more than one Web page retrieved by the search engine tool contains both :
>
> (i)   the proposed password and
>
> (ii)   a string that is based on a rule for the selection of passwords.

The invention of claim 1 rejects a proposed password when the number of web pages returned by a query (1) based on a keyword derived from a password, that (2) contain another string that is based on a rule for the selection of passwords, exceeds one.

The Office Relies on Art That Is Not On The Record

Previously, the applicants argued that Eitel is concerned with how many records are contained in a search report ("web pages retrieved by the Internet search", per claim 1). Claim 1, in contrast, is concerned with how many of the records in the search report ("web pages retrieved by the Internet search", per claim 1) meet a specific condition ("*contain both the proposed password and the other string*", per claim 1).

In responding to the Applicants' argument, the Office wrote:

> Applicant appears to assume that there any search engine that would be employed by Eitel, Wong, or anyone else simply churns out thousands of hits without any analysis whatsoever of whether said hits have any relevance to the query initially provided by the user, and that Eitel in particular uses only the number of hits as the sole determinant of whether it found a valid result; however, it should be immediately obvious from the references alone that this is not the case.
>
> (*See* the *Non-Final Rejection* at p. 3, ll. 3-8)

The Office appears to rely on a proposition that search engines <u>do not</u> churn out thousands of hits without analysis of relevance to the query initially provided by the user. In doing so, the Office impermissibly relies on art that is not of record. (*See* BPAI Decision on Appeal 2009-003351, page 17.) The cited prior art does not discuss the inner workings of search engines.

Importantly, the inner workings of search engines are irrelevant with respect to claim 1. Claim 1 recites the limitation:

> *rejecting the proposed password when more than one Web page retrieved by the search engine tool contains both :*
>
> *(i)   the proposed password and*
>
> *(ii)   a string that is based on a rule for the selection of passwords*

The "string" recited by claim 1 <u>need not be submitted to the search engine as part of the search query</u>.

The Last Limitation of Claim 1 is not Taught

The last limitation of claim 1 is:

> *rejecting the proposed password when more than one Web page retrieved by the search engine tool contains both :*
> *(i)   the proposed password and*
> *(ii)   a string that is based on a rule for the selection of passwords*

The prior art does not disclose or suggest an arrangement where a password is rejected when the number of web pages returned by an Internet search that contain a string, that is based on a rule for the selection of passwords, exceeds one.

In rejecting claim 1, the Office wrote:

> As one non-limiting example, the Eitel invention is perfectly capable of analyzing the results produced by the search engine to determine if it has truly found what the user was looking for; see the example provided on col. 5 lines 40-60 wherein the Eitel invention can further scrutinize search results for new home listings to include only results where the prices fall within the range desired by the user.
>
> (*See* the *Non-Final Rejection* at p. 3, ll. 8-13)

The disclosure of Eitel shows that it is known in the art how to perform an Internet search and count the search results. There is no indication that Eitel uses such a count to reject a proposed password.

In discussing Eitel, the Office further wrote:

> Nevertheless, Eitel discloses a related technique to be employed during a search for arbitrary information on the Internet wherein the search will fail if, for example, the searched comprised too few hits to satisfy a pre-established threshold (col. 6, line 46- col. 7, line 3) it would have been obvious to one of ordinary skill in the art to set a minimum threshold to search hits for determining if the Wong plug-in has found one's password, as the technique is clearly within the capabilities of one of ordinary skill in the art, and one would have had a good reason to pursue known options within one's grasp. If setting a minimum threshold for search hits would lead to anticipated success, it would be the product not of innovation but of ordinary common sense.
>
> (*See* the *Non-Final Rejection* at p. 6, ll. 10-18)

Eitel, as pointed by the Office, discloses that a search can fail if a search report contains too few records. The failure of a search is in no way analogous to the rejection of a password.

For the purposes of reference, Eitel at col. 6, line 46 – col. 7, line 3 is reproduced below:

> At the end of a first search level, the search agent 30 would determine the number of records in the search report. if the number exceeded some arbitrary minimum threshold value, the search agent 30 would go to the next search level 200 and continue to process search terms, either until all the search terms have been processed or until the number of records is below the minimum threshold.
>
> When all the search terms have been processed 202, or the number of records is below some threshold 230, a comparison is made to determine whether the search report meets 236 the search criteria. The search report may not meet the search criteria because there are too many or too few records in the search report. Where the search report meets the search criteria, the search report may be sent 242 to the searcher.
>
> Where the search report does not meet the search criteria, the searched site may return a help query 228 to the searcher at the searching terminal 12. The help query may be in the form of a summary search report webpage showing the reason why the search report did not meet the search report criteria. Where the search report included too many records, the query may show the number of records found and the maximum records permitted by the search criteria. Similarly, where the search report contains too few records, the query may include indication of the number of records found.

The cited passage reveals that Eitel considers how many records are included in a search result. Nothing in the passage suggests that Eitel also considers whether any of these records contain a string that is based on a rule for the selection of passwords.

In short, Eitel has two major deficiencies:

(1) Eitel fails to teach rejecting a password when a number of web pages returned by the query that contain both the password and <u>a string, that is based on a rule for the selection of passwords,</u> exceeds one.

(2) Eitel fails to consider how many of the search results contain a string that need not be included in the search query

Wong fails to cure all deficiencies of Eitel. In discussing Wong, the Office wrote:

> However, Wong actually provides the more pertinent example, as the Wong invention – or at least, that aspect of the Wong invention specifically cited by the examiner – is specifically intended to search for a user's password by examining search results related to other strings but not limited to said user's personal information to see if said user's password can be found within said search results. It should be noted that in the unmodified default operation of the Wong invention, Wong does not actually know in advance what the password is that it is looking for; the passwords that it is trying to guess are stored only in encrypted fashion (Wong paragraph 104), in accordance with techniques that are well known amongst those of ordinary skill in the art. So when the search engine returns its search results to the Wong invention, the Wong invention must exam in each of the results returned to identify any other strings within said results that might be the user's password.
>
> (*See* the *Non-Final Rejection* at p. 3, l. 13 – p. 4., l. 3)

Claim 1, results that the search query is based on "keywords derived from the proposed password." Since, the invention of Wong does not know the password in advance; it cannot derive keywords from it.

The Office continued:

> In fact, it should be readily evident that the problem solved by this aspect of Wong is, if anything, a more difficult problem solved by either the instant invention or P-Synch, as the latter two inventions have the added benefit of knowing in advance what the user's password would be prior to the step of determining if the password is a sufficiently strong password in accordance with the general knowledge of the art (*e.g.* see the rules for strong password described in the previously cited SecurityStats.com reference).
>
> (*See* the *Non-Final Rejection* at p. 4, ll. 3-8)

It is irrelevant whether the problem of Wong is more difficult. The law of obviousness is concerned with the novelty of a claimed solution relative to solutions that are known in the art.

The solution provided by claim 1 is different from the invention of Wong for two reasons. First, Wong does not know the password in advance and, therefore, it has no way of performing a query based on "keywords derived from the proposed password." And second, Wong does not disclose rejecting a proposed password when the numbers of web pages

retrieved by the Internet search, that contain both a proposed password and a string, exceeds one.

In particular, Wong at [0110] recites:

> [0110] This process can be recursively reiterated as many times as may be necessary or desirable by taking the novel phrases found first and then generating new web-based queries from those phrases to extend the search for related pass phrases to the next level. One is simply exploiting the general observation that human beings are typically poor selectors of passwords containing purely random strings of characters-human beings much prefer passwords that correlate with known information.

The recursive reiteration discussed in Wong has nothing to do with the method of claim 1. There is no recursion in claim 1. Claim 1 does one Internet search based on keyword(s) derived from a password and determines whether more than one of the retrieved web pages contain (1) the proposed password and (2) a string that is based on rule for the selection of passwords. The performance of multiple searches is not analogous to performing one search and analyzing the results from it.

In sum, Wong suffers from one of the deficiencies of Eitel:

(1) Wong fails to teach rejecting a password when a number of web pages returned by the query that contain both the password and a string, that is based on a rule for the selection of passwords, exceeds one.

P-Synch fails to cure the deficiencies of Wong and Eitel. P-Synch teaches searching for keywords derived from a password in a dictionary. Even if the dictionary is an online dictionary, it will retrieve word definitions and not web pages. Claim 1 recites that the content of "web pages retrieved" is used in rejecting the proposed password. In particular, claim 1 determines whether the "web pages retrieved" contain the proposed password and the "string" that is based on a rule for the selection of passwords.

Regarding the P-Synch reference, the applicants agree that it describes rule(s) for determining whether a password is sufficiently strong. None of the rules described in P-Synch, however, depends on the number of web pages that are returned by a web page that contain both "a keyword based on the password" and "another string."

P-Synch teaches searching for keywords derived from a password in a dictionary. Even if the dictionary is an online dictionary, it will retrieve word definitions and not web pages. Claim 1 recites that the content of "web pages retrieved" is considered when rejecting the

proposed password. In particular, claim 1 considers how many of "web pages retrieved" that contain the proposed password and the "another string." None of the rules disclosed by P-Synch consider whether a number of "web pages retrieved" exceeds one.

Stated succinctly, P-Synch also suffers from the deficiency of Eitel and Wong:

> (1) Psynch fails to teach rejecting a password when a number of web pages returned by the query that contain both the password and <u>a string, that is based on a rule for the selection of passwords,</u> exceeds one.

Summary

None of the cited references, alone or in combination, disclose or suggest the limitation "*rejecting the proposed password when more than one Web page retrieved by the search engine tool contains both :(i)the proposed password and (ii)a string that is based on a rule for the selection of passwords.*"

It is important to note that nothing in claim 1 requires the "string that is based on a rule…" to be submitted to the search engine tool. The "string" can be determined/obtained after the Internet search is performed.

The prior art discloses performing Internet searches, counting the search results, evaluating password strength, and so forth. Claim 1 is directed to none of these broad concepts.

Claim 1 is directed to the concept of rejecting a proposed password when a count of web pages retrieved by a search query, *that contain a string that need not be part of the search query*, exceeds one. None of the cited references teaches or suggests rejecting a proposed password when the number of web pages retrieved, that meet a condition, exceeds one.

For this reason, the applicants submit that claim 1 is allowable over the combination of Eitel, Wong, and P-Synch.

Because claims 2-20 depend on claim 1, they are likewise allowable. The recitation of additional limitations in them provides further grounds for their patentability.

Claim 21 is directed to an apparatus that is operative to perform a method similar to claim 1. For the same reasons as for claim 1, the applicants respectfully submit that the claim 21 is allowable over P-Synch, Wong, and Eitel.

Because claims 22-26 depend on claim 21, they are likewise allowable. The recitation of additional subject matter in them provides further grounds for their patentability.

Claim 27 is directed to an article of manufacture comprising a machine readable medium comprising one or more programs which when executed implement a method similar to claim 1.

For the same reasons as for claims 1 and 21, the applicants respectfully submit that claim 27 is allowable over P-Synch, Wong, and Eitel.

35 U.S.C. §103 Rejection of claim 17

Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over P-Synch in view of Wong and further in view of Eitel, and further in view of Metacrawler.

Because claim 17 depends on claim 1, and because Metacrawler fails to cure the deficiencies of P-Synch, Wong, and Eitel with respect to claim 1, the applicants respectfully submit that the rejection of claim 17 is overcome.

Request for Reconsideration Pursuant to 37 C.F.R. 1.111

Having responded to each and every ground for objection and rejection in the last Office action, applicants respectfully request reconsideration of the instant application pursuant to 37 CFR 1.111 and request that the Examiner allow all of the pending claims and pass the application to issue.

If there are remaining issues, the applicants respectfully request that Examiner telephone the applicants' attorney so that those issues can be resolved as quickly as possible.

Respectfully,
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